

Message Text

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ORIGIN EB-08

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FM SECSTATE WASHDC
TO AMEMBASSY PARIS IMMEDIATE
INFO AMEMBASSY BERN
AMEMBASSY BONN
AMEMBASSY LONDON

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E.O. 11652: N/A

TAGS: EAIR, FR

SUBJECT: CIVAIR: PAN AM CHANGE OF GAUGE

1. THE FOLLOWING IS TEXT OF USCA PART 213 ORDER ISSUED
TODAY:

-- "ORDER TO FILE SCHEDULES. COMPAGNIE NATIONALE AIR FRANCE
(AIR FRANCE) AND UNION DE TRANSPORT AERIENS (U.T.A.) ARE
THE HOLDERS OF FOREIGN AIR CARRIER PERMITS ISSUED PURSUANT
TO ORDERS 76-2-25 AND 74-5-29, RESPECTIVELY, AUTHORIZING
THEM TO PERFORM, INTER ALIA, SCHEDULED PASSENGER FOREIGN
AIR TRANSPORTATION ON CERTAIN ROUTES. THE ROUTES ARE THOSE
PERMITTED TO BE OPERATED BY FRENCH AIR CARRIERS DESIGNATED
BY FRANCE IN ACCORDANCE WITH THE AGREEMENT BETWEEN THE
UNITED STATES OF AMERICA AND FRANCE RELATING TO THE
OPERATION OF SCHEDULED INTERNATIONAL AIR SERVICES
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EFFECTIVE MARCH 27, 1946, AS AMENDED. NATIONAL AIRLINES,
INC. (NATIONAL), PAN AMERICAN WORLD AIRWAYS, INC. (PAN AM)
AND TRANS WORLD AIRLINES, INC. (TWA) ARE THE HOLDERS OF
CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY ISSUED
PURSUANT TO ORDER 78-1-118 TO ENGAGE IN SCHEDULED PASSENGER
FOREIGN AIR TRANSPORTATION BETWEEN, INTER ALIA, THE UNITED
STATES AND FRANCE. PAN AM'S PARIS OPERATIONS HAVE BEEN

SUSPENDED VOLUNTARILY FOR APPROXIMATELY THREE YEARS.

-- "ON APRIL 28, 1978 THE GOVERNMENT OF FRANCE DELIVERED A NOTE TO THE UNITED STATES DEPARTMENT OF STATE WHICH DENIED APPROVAL FOR PAN AM TO RESUME SERVICES TO FRANCE FROM THE WEST COAST OF THE UNITED STATES VIA LONDON ON THE SAME FLIGHT, BUT WITH A CHANGE OF AIRCRAFT IN LONDON BEGINNING APRIL 30, 1978. THE NOTE WAS DELIVERED OVER THE OBJECTIONS OF THE UNITED STATES GOVERNMENT AND REPRESENTATIONS MADE BY THE U.S. DELEGATIONS IN CONSULTATIONS WITH THE FRENCH GOVERNMENT IN PARIS ON APRIL 24, 1978, THAT SUCH ACTION WOULD BE IN VIOLATION OF THE AGREEMENT. THIS ACTION HAS DENIED RIGHTS AFFORDED ALL UNITED STATES CARRIERS BY THE AGREEMENT TO OPERATE IN THE MOST EFFICIENT POSSIBLE MANNER AND IN FACT HAS DENIED PAN AMERICAN THE ABILITY TO SERVE PARIS IN A MANNER CONSISTENT WITH THE AGREEMENT. PAN AM BEGAN ITS OPERATIONS AS PLANNED ON MAY 1, AND THE FLIGHT CREW AND PAN AM STATION EMPLOYEES WERE QUESTIONED BY FRENCH GOVERNMENT OFFICIALS AT THE PARIS AIRPORT ON MAY 1 AND 2. ON MAY 3, PAN AM WAS INFORMED THAT ITS FLIGHT WOULD NOT BE PERMITTED TO DISEMBARK PASSENGERS AT PARIS, AND WHEN THE FLIGHT ARRIVED, IT WAS ORDERED BY FRENCH GOVERNMENT OFFICIALS TO RETURN TO LONDON WITHOUT DISEMBARKING PASSENGERS. PAN AM HAS SUSPENDED ITS PARIS OPERATIONS TEMPORARILY PENDING RESOLUTION OF THIS DISPUTE.

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-- "PART 213 OF THE BOARD'S ECONOMIC REGULATIONS WAS PROMULGATED SPECIFICALLY TO PROVIDE THE BOARD WITH APPROPRIATE POWERS TO ENSURE THAT THE OPERATING RIGHTS PROVIDED FOR IN AN AIR TRANSPORT AGREEMENT OF ANY U.S. CARRIER DESIGNATED THEREUNDER REMAIN UNIMPAIRED.

-- " UPON CONSIDERATION OF THESE MATTERS, THE BOARD FINDS THAT THE GOVERNMENT OF FRANCE HAS TAKEN ACTION WHICH, OVER THE OBJECTIONS OF THE UNITED STATES GOVERNMENT, WILL IMPAIR, LIMIT, TERMINATE, AND DENY OPERATING RIGHTS AND DENY THE FAIR AND EQUAL OPPORTUNITY OF U.S. CARRIERS TO EXERCISE THE OPERATING RIGHTS PROVIDED FOR IN THE UNITED STATES-FRANCE AIR TRANSPORT SERVICES AGREEMENT.

-- "THE BOARD FURTHER FINDS THAT IN THE PRESENT CIRCUMSTANCES THE PUBLIC INTEREST REQUIRES THE BOARD TO EXERCISE ITS POWERS PURSUANT TO PART 213 OF THE ECONOMIC REGULATIONS, AS AMENDED, TO REQUIRE THE FILING OF EXISTING FRENCH AIR CARRIER SCHEDULES, AND THOSE WHICH MAY LATER BE PROPOSED, TO DETERMINE WHETHER THE OPERATION OF SUCH SERVICES, OR ANY PART THEREOF, MAY BE CONTRARY TO

APPLICABLE LAW OR MAY ADVERSELY AFFECT THE PUBLIC INTEREST.

-- "ACCORDINGLY, IT IS ORDERED:

--"1. THAT COMPAGNIE NATIONALE AIR FRANCE AND UNION DE TRANSPORT AERIENS (U.T.A.) FILE WITH THE CIVIL AERONAUTICS BOARD (ATTENTION: DIRECTOR, BUREAU OF INTERNATIONAL AVIATION) WITHIN SEVEN DAYS AFTER SERVICE OF THIS ORDER AN ORIGINAL AND THREE COPIES OF ANY AND ALL OF THEIR EXISTING SCHEDULES OF SERVICE BETWEEN FRANCE, ITS TERRITORIES AND POSSESSIONS, AND THE UNITED STATES, INCLUDING SCHEDULED SERVICES VIA INTERMEDIATE POINTS AND TO POINTS BEYOND THE UNITED STATES, WHICH SHALL INCLUDE:
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-- "(A) THE TYPE OF EQUIPMENT USED (INCLUDING THE NUMBER OF SEATS, BY CLASS OF SERVICE, ON AIRCRAFT NORMALLY ASSIGNED, BY FLIGHT);

-- "(B) THE TIMES OF ARRIVAL AND DEPARTURE AT EACH POINT;
AND

-- "(C) THE FREQUENCY AND DAY(S) OF OPERATION OF EACH FLIGHT;

-- "2. THAT THE ABOVE-NAMED FOREIGN AIR CARRIERS SHALL FILE WITH THE CIVIL AERONAUTICS BOARD (ATTENTION: DIRECTOR, BUREAU OF INTERNATIONAL AVIATION) AN ORIGINAL AND THREE COPIES OF ANY AND ALL PROPOSED SCHEDULES OF SERVICE BETWEEN THE GOVERNMENT OF FRANCE, ITS TERRITORIES AND POSSESSIONS, AND THE UNITED STATES, INCLUDING THE INFORMATION NOTED IN ORDERING PARAGRAPH 1 ABOVE, THE PROPOSED EFFECTIVE DATE OF SUCH SCHEDULES, AND THE PROPOSED TERMINATION DATE OF SUCH SCHEDULES (IF DETERMINED) AT LEAST 30 DAYS PRIOR TO INAUGURATION OF SERVICE; AND

-- "3. THAT THIS ORDER SHALL BE SERVED ON COMPAGNIE NATIONALE AIR FRANCE AND UNION DE TRANSPORT AERIENS (U.T.A.), AND THE AMBASSADOR OF THE GOVERNMENT OF FRANCE IN WASHINGTON. BY THE CIVIL AERONAUTICS BOARD:
PHYLLIS T. KAYLOR, SECRETARY" VANCE

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